

FRIEDMAN & GILBERT

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July 18, 2005

Linda H. Barr, Esq.
Assistant United States Attorney
Carl B. Stokes U.S. Court House
801 W. Superior Avenue, Suite 400
Cleveland, OH 44113

Re: United States of America v. James R. Blomquist
Case No. 1:05CR268

Dear Ms. Barr:

To insure protection of James R. Blomquist's rights to due process of law and effective assistance of counsel in accordance with the United States Constitution, I am seeking to provide him with a basis upon which to make informed and intelligent decisions regarding the possible or probable consequences of pleading guilty or requesting a trial in the above-captioned case. See: Hill v. Lockhart, 474 U.S. 52 (1985); United States v. Cronin, 466 U.S. 648 (1984); Warner v. United States, 975 F.2d 1207 (6th Cir. 1992); Scott v. Wainwright, 698 F.2d 427 (11th Cir. 1983); Mason v. Balcom, 531 F.2d 717 (5th Cir. 1976). For these reasons, and pursuant to Title 18 U.S.C. §3551, et seq., Title 28 U.S.C. §991, et seq., and United States Sentencing Commission Guidelines (See: U.S.S.G. § 6B1.2 comment), I request that you promptly advise me of any facts and circumstances presently known to the government or reasonably discoverable, which would be germane to sentencing-related issues under the guidelines, or to calculation of the applicable sentencing guideline range, should the defendant be convicted of any one or more of the charges set forth in the instant indictment.

More specifically, I am requesting that as soon as possible you provide me with the following information with its documentary support:

1. What guideline(s) does the government contend is applicable in this case?
2. What specific offense characteristic(s), if any, does the government contend are applicable to this case?

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3. What adjustments, if any, does the government contend are applicable to this case?
4. Upon what grounds, if any, will the government be seeking a departure from the guidelines in this case?
5. With regard to the defendant's prior criminal record, what is the date, location, and court docket number of each conviction upon which the government will rely to determine the defendant's criminal history category; and what criminal history category does the government contend is applicable in this case?

Please also forward to me any other information which would bear upon an understanding or computation of the following sentencing and guideline factors: base offense levels, specific offense characteristics, relevant conduct, adjustments and criminal history.

In Kyles v. Whitley, 514 U.S. 419 (1995), the Supreme Court noted that in fulfilling Brady v. Maryland, 373 U.S. 83 (1963) obligations the individual prosecutor has a duty to learn of any evidence favorable to an accused and material to punishment, which may be known to others acting on the government's behalf in the case, including the police. Accordingly, the requests made above are of a continuing nature which presume that you will keep me immediately advised of any information which is exculpatory as to punishment, as well as any further information that comes to your attention which might supplement or modify responses to the inquiries set forth above.

If I may be of service with regard to this matter, please feel free to contact me.

Very truly yours,

FRIEDMAN & GILBERT

s/ Terry H. Gilbert
Terry H. Gilbert

THG/mm